

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MELVIN CLINE, a Minor.

PEOPLE OF THE STATE OF MICHIGAN,

UNPUBLISHED

June 1, 1999

Plaintiff-Appellee,

v

No. 208345

Wayne Juvenile Court

MELVIN CLINE,

LC No. 95-328036

Defendant-Appellant.

Before: Griffin, P.J., and Cavanagh and Fitzgerald, JJ.

MEMORANDUM.

In July of 1995, defendant was found to come within the provisions of the Juvenile Code as an incorrigible juvenile, MCL 712A.2(a)(3); MSA 27.3178(598.2)(a)(3), and he was placed on probation in the custody of his family. Defendant subsequently pleaded guilty to violating the terms of his probation by being truant from school. The trial court then revoked defendant's probation and committed him to the Michigan Family Independence Agency. Defendant now appeals by right. We affirm.

Defendant first contends that the juvenile court committed reversible error by failing to advise defendant of "possible dispositions," in accordance with MCR 5.941(C)(1)(b), before accepting his guilty plea at the probation violation hearing. We disagree. MCR 5.941 applies to pleas of admission or no contest at the adjudicative phase of the case. The subsequent probation violation proceedings were part of the dispositional phase of the case, governed by the plea procedures set forth in MCR 5.944(A), not procedures required at the adjudicative phase. See *In Re Scruggs*, 134 Mich App 617, 620-622; 350 NW2d 916 (1984). Defendant does not allege that the procedures of MCR 5.944(A) were not followed in this case.

Defendant also contends that the trial court abused its discretion by committing him for placement outside his parents' home, instead of some alternative short of removal from the parental home such as intensive probation and tether. Again we disagree. Indeed, in the proceedings below before a visiting referee, defendant's own counsel acknowledged that defendant was having problems getting along with his current guardian and urged the referee to consider "some sort of day treatment program and some sort of community based placement at a resident [sic] other than his guardian." We find no abuse of discretion.

Affirmed.

/s/ Richard Allen Griffin

/s/ Mark J. Cavanagh

/s/ E. Thomas Fitzgerald